



GRAN 2764

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	14 27	Application Number	09/222,336
		Filing Date	December 28, 1998
		First Named Inventor	Guy A. Story, Jr.
		Group Art Unit	2764
		Examiner Name	C. Lee
		Attorney Docket Number	002541.P009

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GROUP

2700

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<div style="border: 1px solid black; padding: 5px;">Resubmission of Amendment <i>copy of original amendment and related paperwork.</i></div>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
	Remarks	

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Paul A. Mendonsa, Reg. No. 42,879  BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
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Date	February 7, 2000

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# FEE TRANSMITTAL for FY 1999

Patent fees are subject to annual revision.  
Small Entity payments must be supported by a small entity statement,  
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See 37 C.F.R §§ 1.27 and 1.28.

**TOTAL AMOUNT OF PAYMENT** (\$)  
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Complete if Known

Application Number	09/222,336
Filing Date	December 28, 1998
First Named Inventor	Guy A. Story, Jr.
Examiner Name	C. Lee
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## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	690	201	345	Utility filing fee	
106	310	206	155	Design filing fee	
107	480	207	240	Plant filing fee	
108	690	208	345	Reissue filing fee	
114	150	214	75	Provisional filing fee	
<b>SUBTOTAL (1)</b>		(\$)			

2. EXTRA CLAIM FEES	Extra Claims	Fee from below	Fee Paid
Total Claims	28	- 28 = <input type="text"/>	X 18.00 = <input type="text"/>
Independent Claims	4	- 4 = <input type="text"/>	X 78.00 = <input type="text"/>

Multiple Dependent

\*or number previously paid, if greater. For Reissues, see below

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	78	202	39	Independent claims in excess of 3
104	260	204	130	Multiple Dependent claim, if not paid
109	78	209	39	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2)</b>		(\$)		<b>0.00</b>

\* Reduced by Basic Filing Fee Paid

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**FILE**



09/222, 336

Serial/Patent No.: 08/792,651 Filing/Issue Date: December 28, 1998  
 Client: Audible (Story, et al.)  
 Title: LICENSE MANAGEMENT FOR DIGITAL CONTENT

BSTZ File No.: 002541.P009 Atty/Secty Initials: JHS/PAM/ndm  
 Date Mailed: January 14, 2000 Docket Due Date: 1/27/00

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- Amendment/Response (9 pgs.)  Express Mail No: \_\_\_\_\_  Check No. 7404  
 Appeal Brief (       pgs.) (in triplicate)  \_\_\_\_\_ Month(s) Extension of Time Amt: \$150.00  
 Application - Utility (       pgs., with cover and abstract)  Information Disclosure Statement & PTO-149 (       pgs.)  Check No.             
 Application - Rule 1.53(b) Continuation (       pgs.)  Issue Fee Transmittal Amt: \_\_\_\_\_  
 Application - Rule 1.53(b) Divisional (       pgs.)  Notice of Appeal  
 Application - Rule 1.53(b) CIP (       pgs.)  Petition for Extension of Time  
 Application - Rule 1.53(d) CPA Transmittal (       pgs.)  Petition for \_\_\_\_\_  
 Application - Design (       pgs.)  Postcard:  
 Application - PCT (       pgs.)  Power of Attorney (       pgs.)  
 Application - Provisional (       pgs.)  Preliminary Amendment (       pgs.)  
 Assignment and Cover Sheet  Reply Brief (       pgs.)  
 Certificate of Mailing  Response to Notice of Missing Parts  
 Declaration & POA (       pgs.)  Small Entity Declaration for Indep. Inventor/Small Business  
 Disclose Docs & Orig & Cpy of Invn't Signed Letter (       pgs.)  Transmittal Letter, in duplicate  
 Drawings:        # of sheets includes        figures  Fee Transmittal, in duplicate  
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1/14/2000 U.S. Patent and Trademark Office additional claims filing fee for LICENSE MANAGEMENT FOR DIGITAL

INVENTIVE STORY ET AL.

09/222, 336

SERIAL NO.: 0007792651  
002541.P009 PAM/ndm  
The Audible Words Ford  
09/222, 336  
1704

07404



Attorney's Docket No.: 002541.P009

Patent

In re the Application of: Story, et al.

Application No.: -087792,651 09/222,336

Filed: December 28, 1998

For: LICENSE MANAGEMENT FOR DIGITAL CONTENT

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

SIR: Transmitted herewith is an Amendment for the above application.

- Small entity status of this application under 37 C.F.R. §§ 1.9 and 1.27 has been established by a verified statement previously submitted.  
 A verified statement to establish small entity status under 37 C.F.R. §§ 1.9 and 1.27 is enclosed.  
 No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)		SMALL ENTITY	OTHER THAN A SMALL ENTITY
	Claims Remaining After Amd.		Highest No. Previously Paid For	Present Extra		Rate	Additional Fee
Total Claims	* 28	Minus	** 24	4		X9 \$	
Indep. Claims	* 4	Minus	*** 3	1		X39 \$	
<b>First Presentation of Multiple Dependent Claim(s)</b>						+130 \$	
					Total Add. Fee	\$	Total Add. Fee \$ 150.00

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest No. Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

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Michelle J. Turner

Name of Person Mailing Correspondence

*Michelle J. Turner*  
Signature

1-14-2000

Date

- xx A check in the amount of \$ 150.00 is attached for presentation of additional claim(s).  
Applicant(s) hereby Petition(s) for an Extension of Time of \_\_\_\_\_ month(s) pursuant to  
37 C.F.R. § 1.136(a).
- A check for \$ \_\_\_\_\_ is attached for processing fees under 37 C.F.R. § 1.17.  
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extra claims.
- X Any extension or petition fees under 37 C.F.R. § 1.17.

Date: JAN. 14, 2000

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Seventh Floor  
Los Angeles, California 90025  
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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

  
Paul A. Mendonsa

Reg. No. 42,879

:

Attorney Docket No.: 002541.P009

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
Story, et al. )  
Application No. ~~08/792,651~~ )  
Filed: December 28, 1998 )  
For: LICENSE MANAGEMENT FOR DIGITAL )  
CONTENT )

Examiner: C. M. Lee

Art Unit: 2764

Assistant Commissioner For Patents  
Washington, D.C. 20231

January 14, 2000

MICHELLE J. TURNER

Alice G.

1-14-2000

AMENDMENT

Dear Sir:

In response to the Office Action mailed October 27, 1999, please enter this amendment and consider the following remarks.

IN THE CLAIMS

- 1        1. (Amended) A method of managing digital content licenses, the method
- 2        comprising:
  - 3            creating a first license having a first cardinality, the license created by a license
  - 4            management device;
  - 5            storing the first license in a first set of playback devices in response to a command
  - 6            from the license management device, wherein the first set of playback devices is
  - 7            determined based, at least in part, on the first cardinality;
  - 8            storing the first license in first digital audio content; and

9               authorizing playback of the first digital audio content with the first set of playback  
10          devices.

1               2.       (Amended) The method of claim 1 further comprising:  
2               storing the first license in second digital audio content; and  
3               authorizing playback of the second digital audio content with the first set of  
4          playback devices.

1               3.       (Amended) The method of claim 1 further comprising:  
2               creating a second license having a second cardinality, the license created by the  
3          license management device;  
4               storing the second license in a second set of playback devices, wherein the second  
5          set of playback devices is determined based, at least in part, on the second cardinality, and  
6          further wherein at least one playback device belongs to the first set and to the second set;  
7               storing the second license in second digital audio content;  
8               authorizing playback of the second digital audio content with the second set of  
9          playback devices.

1               7.       (Amended) The method of claim 1 wherein at least one of the first set of  
2          playback devices comprises at least one [is a] hardware playback device.

1               8.       (Amended) The method of claim 1 wherein at least one of the first set of  
2          playback devices comprises at least one [is a] software player.

Please cancel claim 9 without prejudice.

1           10. (Amended) The method of claim 1 wherein the first digital audio content  
2 further comprises [is audio/visual] video digital programming.

1           11. (Amended) A machine-readable medium having stored thereon sequences  
2 of instructions that when executed by one or more processors cause [the] one or more  
3 electronic systems [processors] to:

4           create a first license with a license management device, the first license having a :  
5 first cardinality;

6           store the first license in a first set of playback devices in response to a command  
7 from the license management device, wherein the first set of playback devices is  
8 determined based, at least in part, on the first cardinality;

9           store the first license in first digital audio content; and  
10          authorize playback of the first digital audio content with the first set of playback  
11         devices.

1           12. (Amended) The machine-readable medium of claim 11 further comprising  
2 sequences of instructions that when executed cause the one or more electronic systems  
3 [processors] to:

4           store the first license in second digital audio content; and

5           authorize playback of the second digital audio content with the first set of  
6   playback devices.

1           13.     (Amended) The machine-readable medium of claim 11 further comprising  
2   sequences of instructions that when executed cause the one or more electronic systems  
3   [processors] to:

4           create a second license in the license management device, the second license  
5   having a second cardinality;  
6           store the second license in a second set of playback devices, wherein the second  
7   set of playback devices is determined based, at least in part, on the second cardinality, and  
8   further wherein at least one playback device belongs to the first set and to the second set;  
9           store the second license in second digital audio content;  
10          authorize playback of the second digital audio content with the second set of  
11   playback devices.

1           17.     (Amended) The machine-readable medium of claim 11 wherein at least  
2   one of the first set of playback devices comprises at least one [is a] hardware playback  
3   device.

1           18.     (Amended) The machine-readable medium of claim 11 wherein at least  
2   one of the first set of playback devices comprises at least one [is a] software player.

Please cancel claim 19 without prejudice.

1           20. (Amended) The machine-readable medium of claim 11 wherein the first  
2    digital audio content further comprises [is audio/visual] digital video programming.

1           21. (Amended) An apparatus for digital license management, the apparatus  
2    comprising:

3           means for creating a first license in a license management device, the first license  
4    having a first cardinality;  
5           means for storing the first license in a first set of playback devices in response to a  
6    command from the license management device;  
7           means for storing the first license in first digital audio content; and  
8           means for authorizing playback of the first digital audio content with the first set  
9    of playback devices.

1           22. (Amended) The apparatus of claim 21 further comprising:  
2           means for storing the first license in second digital audio content; and  
3           means for authorizing playback of the second digital audio content with the first  
4    set of playback devices.

1           23. (Amended) The apparatus of claim 21 further comprising:  
2           means for creating a second license in the license management device;

3           means for storing the second license in a second set of playback devices, wherein  
4       at least one playback device from the second set of playback devices is included in the  
5       first set of playback devices;  
6           means for storing the second license in second digital audio content; and  
7           means for authorizing playback of the second digital audio content with the  
8       second set of playback devices.

Please add the following new claims:

1           24.     (New) A digital data signal embodied in a data communications medium  
2       shared among a plurality of network devices to provide digital audio programming, the  
3       digital data signal comprising license having a first cardinality, the license having been  
4       created by a license management device, the digital data signal further comprising a first  
5       digital audio content that is at least a subset of the digital audio programming, wherein a  
6       set of playback devices receive the digital data signal and authorize playback of the first  
7       digital audio signal if the license included in the computer data signal matches at least  
8       one license stored in the respective playback devices.

1           25.     (New) The digital data signal of claim 24 wherein the cardinality is fixed.

1           26.     (New) The digital data signal of claim 24 wherein the cardinality is  
2       variable.

1           27. (New) The digital data signal of claim 24 wherein the cardinality is  
2       unlimited.

1           28. (New) The digital data signal of claim 24 wherein at least one of the first  
2       set of playback devices is a hardware playback device.

1           29. (New) The digital data signal of claim 24 wherein at least one of the first  
2       set of playback devices is a software player.

1           30. (New) The digital data signal of claim 24 wherein the first digital audio  
2       content further comprises digital video programming.

#### REMARKS

Applicants respectfully request reconsideration of the present U.S. Patent application. Claims 1-3, 7, 8, 10-13, 17, 18 and 20-23 have been amended. Claims 9 and 19 has been canceled without prejudice. Claims 24-30 have been added. Thus, claims 1-8, 10-18 and 20-30 are pending.

#### Claim Rejections - 35 U.S.C. § 102

Claims 1, 7, 8, 11, 12 and 21 were rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 5,757,907 issued to Cooper, et al. (*Cooper*). For at least the reasons set forth below, Applicants submit that claims 1, 7, 8, 11, 12 and 21 are not anticipated by *Cooper*. Claims 1 and 11 have been amended to include limitations from claims 10 and 20, respectively. Claim 21 has been amended to include similar

limitations. Therefore, Applicants submit that claims 1, 11 and 21 are allowable for at least the reasons that claims 10 and 20 are allowable.

Claims 7 and 8 depend from claim 1. Claim 12 depends from claim 11. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that claims 7, 8 and 12 are allowable for at least the reasons set forth above with respect to claims 1 and 11.

Claim Rejections - 35 U.S.C. § 103

Claims 2, 4, 6, 14, 16-18 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cooper* in view of U.S. Patent No. 5,745,879 issued to *Wyman* (*Wyman*). For at least the reasons set forth below, Applicants submit that claims 2, 4, 6, 14, 16-18 and 22 are not rendered obvious by *Cooper* and *Wyman*.

Claims 2, 4, and 6 depend from claim 1. Claims 14 and 16-18 depend from claim 11. Claim 22 depends from claim 20. *Wyman* is cited to teach storage of licenses in multiple content. See October 14, 1999 Office Action at page 3, comment 13. However, whether or not *Wyman* teaches or suggests storage of licenses as described, *Wyman* does not cure the deficiencies of *Cooper*. Therefore, no combination of *Cooper* and *Wyman* teaches or suggests claims 2, 4, 6, 14, 16-18 and 22.

Claims 9 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cooper* in view of U.S. Patent No. 5,940,504 issued to *Griswold* (*Griswold*). Claims 9 and 19 have been canceled without prejudice. Therefore, the rejection of claims 9 and 19 under 35 U.S.C. § 103(a) is moot.

Allowable Subject Matter

Claims 3, 5, 10, 13, 15, 20 and 23 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims.

Conclusion

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-8, 10-18 and 20-30 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: JAN. 14, 2002

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Attorney for Applicant  
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